REMARKS

Claims 24-45 are currently pending in this application. By this Amendment, claims 24-44 are amended. Claims 24-44 are amended for form. No new matter has been added.

Claims 32 and 34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed.

Specifically, with regard to claim 32, the Examiner takes an issue with the phrase "as it is implicitly porous and can absorb a significant amount of water." As such, the language at issue has been deleted from claim 32, therefore, obviating 35 U.S.C. §112, second paragraph rejection. Withdrawal of the rejection is respectfully traversed.

With regard to claim 34, the Examiner takes an issue with the phrase "foamed," at the end of the claim. As such, the claim has been amended to end with the word "foam," therefore obviating the 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

Claims 24-31, 33, 35-38, 40, 41, 44 and 45 are rejected under 35 U.S.C. §103(a) as being obvious over Pereira (U.S. Patent No. 2,185,924) in view of Rebbeck (U.S. Patent No. 4,192,083). The rejection is respectfully traversed.

The Office Action asserts that Pereira discloses a terrain model element with a shaped layer on top of a base, the shaped layer comprised substantially of latex. The Office Action admits, however, that Pereira fails to disclose the use of foamed plastic in the base, instead relying on col. 3, lines 1-28 of Rebbeck for support for this element. These assertions are respectfully traversed.

Applicant respectfully submits that Pereira teaches a specially prepared sheet of textile fabric that is adhered to the face layer, and not "a shaped layer providing the modelling terrain shape, which is comprised substantially of latex," as specifically recited in independent

claim 24 (see col. 2, lines 26-51 of Pereira). In other words, the latex layer of Pereira is only a thin film sprayed on the surface of the mold cavity, and is not a "shaped layer providing the modelling terrain shape," as explicitly recited in independent claim 24.

In addition, Pereira and Rebbeck cannot be combined because Rebbeck teaches away from Pereira. Specifically, Rebbeck teaches a "land use planning module" of foam plastic, wherein the "three dimensional surface 12 is formed by removal of material from the upper surface of generally rectangular modules 16 of light weight foam plastic" (see col. 3, line 7 of Rebbeck). Therefore, Rebbeck teaches the removal of material to form the three dimensional land use planning model, whereas Pereira relates to the addition of material in order to form a relief map. Thus, one of ordinary skill in the art would not have been motivated to combine Pereira and Rebbeck as alleged in the Office Action.

With regards to claim 40, the Office Action asserts that Pereira discloses a similar method, however, admitting that Pereira is silent on the step of pouring out excess liquid. The Office Action merely asserts that the pouring out excess liquid would have been obvious variation on the teachings of Pereira, which include a step of letting the liquid latex dry. Applicant respectfully traverses these assertions.

Again, as explained above in greater detail, Pereira relates to the addition of materials in order to form a release map, and in no way relates to "pouring out [latex] from the mold" as explicitly recited in independent claim 40. Moreover, none of the applied references teach or suggest "forming a mold for an upper shaped layer of the element," as explicitly recited in independent claim 40. Thus, Pereira does not disclose the method of claim 40.

Further, there is no motivation to modify Pereira as alleged in the Office Action. As noted above, the Examiner merely asserts that the step of pouring out excess liquid is an obvious variation. Thus, the Office Action has failed to provide explicit "articulated reasoning with a rational underpinning" to support its legal conclusion of obviousness. *KSR*

Int'l Co. v. Teleflex, Inc., No. 04-1350, slip op. at 14 (U.S. April 30, 2007), *citing In re Khan*, 441 F.3d 997, 998 (Fed. Cir. 2006).

Thus, for at least these reasons, Applicant respectfully submits that claims 24 and 40 are patentable over Pereira and Rebbeck. Further, claims 25-31, 33, 35-38, 41, 44 and 45, which variously depend from claims 20 and 41, are patentable for at least the reasons discussed above, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

Claim 32 is rejected under 35 U.S.C. §103(a) as being obvious over Pereira in view of Rebbeck, and in further view of Cummings (U.S. Patent No. 3,533,812); claim 39 is rejected under 35 U.S.C. §103(a) as being obvious over Pereira in view of Rebbeck in further view of Brokaw (U.S. Patent No. 5,326,267); claims 42 and 43 are rejected under 35 U.S.C. §103(a) as being obvious over Pereira in view of Rebbeck in further view of "Casting Plasticine." The rejections are respectfully traversed.

These claims depend from independent claims 24 and 40, which are now believed to be patentable. Further, Cummings, Brokow and Casting Plasticine do not remedy the deficiencies of Pereira and Rebbeck. Therefore, dependent claims 32, 39, 42 and 43 are also patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

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